

As the setting up of a disposal centre for the purpose in the midst of working mines was likely to lead to leakage and pilferage of similar stores belonging to the other companies on the field,—chances for pilferage or leakage were prevented by timely action to acquire the assets for Government.

**Sri K. S. SURYANARAYANA RAO.**—Will the Government be pleased to clarify further because the answer given is very cryptic and not analytic?

**\*Sri S. NIJALINGAPPA.**—It happened like this. Oorgaum mine was closed quite a long time back. A liquidator was appointed to dispose of the machineries and some of the buildings. In October 1956, just prior to nationalisation, it was suspected that certain machineries were being disposed of. Some people felt on the Government side that machineries and equipments belonging to the other three mines may be disposed of and the new replaced in place of old and old in place of new machineries, because they were all stocked very near. Some action was to be taken to prevent it. In fact, there was writ petition in the High Court also that the police prevented the removal of the machinery, the machinery belonging to the sole proprietor. Government went into the matter and found that there was no question of any sort of what is called, sabotage or espionage or anything like that.

**Sri K. S. SURYANARAYANA RAO.**—Has it come to the notice of the Government that such a report has appeared in the newspapers?

**Sri S. NIJALINGAPPA.**—Yes; but it is an unfortunate thing.

**Sri M. C. NARASIMHAN.**—Is it not true that at that time Messrs. John Taylor Sons informed Government that they were disposing of certain property and yet Government did not come forward to buy those properties?

**Sri S. NIJALINGAPPA.**—Before making the purchase, Government must be satisfied whether it would be necessary for them to buy and whether the venture would be profitable and all that.

### Leave of Absence of a Member

**Mr. SPEAKER.**—I have received a letter from Sri M. Gangappa, a member of the Assembly, which reads thus:

“I regret to report that I am unable to attend the current session, which has begun from 12th July 1957 in spite of my sincere attempts, as I was forced to stay on here and attend to successive and repeated Court sittings before the Additional Judge and Sub-Judge, Anantapur in connection with a personal heavy suit. To add to that I am also subjected to illness in the intervals.

Therefore, I am to request you to be kind enough to grant permission to absent myself from this current session.”

In such cases Rule 178 (2) requires that permission of the House should be obtained. Hence I now put the question.

“Is it the pleasure of the Assembly that permission be granted to Sri M. Gangappa for remaining absent from the meetings of the Assembly?”

*Permission was accorded.*

**Mr. SPEAKER.**—Permission to remain absent is granted.

### PRIVILEGE MOTION.

**Re. A Member questioning the 'locus standi' of the Education Minister.**

**Mr. SPEAKER.**—Sri K. Puttaswamy has given notice of a Privilege Motion which is as follows:—

“That the persistent attitude and the statements of Sri B. K. Puttaramiya questioning the *locus standi* of the Education Minister in this House is in direct negation of the Constitution of India and also derogatory to the dignity of

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the House. I request that the Hon'ble Speaker may be pleased to rule that there is breach of privilege of the House and that this matter may be referred to the Committee of Privileges for such action as it deems necessary.'

To examine this question it is first necessary to state what the law of privileges is. Article 194 (3) of the Constitution of India states that 'the powers, privileges and immunities of a House of Legislature of a State and of the members and the Committees of a House of such Legislature shall be such as may from time to time be defined by the Legislature by law and, until so defined shall be those of the House of Commons of the Parliament of United Kingdom and of its members and committees at the commencement of the Constitution.'

In India, so far, the law of privileges has not been codified. We have therefore to look to the conventions of the House of Commons in this behalf. In England indignities offered to their House by words spoken or writings published reflecting on its character or proceedings have been constantly punished by both the Lords and the Commons upon the principle that such acts tend to obstruct the Houses in the performance of their function by diminishing the respect due to them. Reflections on members, particular individuals not being named or otherwise indicated are equivalent to reflections on the House. It is a breach of privilege to molest a member while attending the House or when coming to or going from it. The House of Commons resolved in 1733 "that the assaulting, insulting or menacing any member of this House in his coming to or going from or on account of his behaviour in parliament is an high infringement of the privilege of this House, a most outrageous and dangerous violation of the rights of parliament and an high crime and misdemeanour."

The question to be considered is how far the law as stated above can be applied in the present case. The exact words uttered by Shri Puttaramiya are

"Sir, I do not want to elicit information from a non-member of this House and so I do not want to put this question."

Article 177 of the Constitution of India has conferred upon Sri Venkappa, Minister for Education, to sit and take part in the House, but he cannot vote. Whether the words uttered by Shri Puttaramiya constitute a breach of privilege or not, I cannot decide. It is for the Committee of Privileges and ultimately the House to decide. However, I feel that this is a fit case for reference to the Committee of Privileges under sub-rule (4) of rule 173 of the Rules of Procedure and Conduct of Business. So, I refer the matter to the Committee of Privileges.

**Sri M. C. NARASIMHAN** (Kolar Gold Fields).—On a point of clarification. Rules provide for the constitution of the Committee of Privileges. So long as there is no committee, it should be presumed that no breach of privilege motion can be raised. In fact, the Committee of Privileges has to decide the issue. It is not the Speaker that can decide the breach as such and pass orders. I appreciate the position as far as the present motion is concerned. But the very fact that the constitution of a committee is provided for means that unless a committee is constituted, a motion cannot at all arise.

**Sri MAHMOOD SHARIFF** (Broadway).—I wish to say a word regarding this point. There are two different things here. So far as the breach of privilege is concerned, it is clear and you have given a ruling that it must be referred to the Committee of Privileges. The second thing is about the constitution of the committee. If it is not already there, let us take steps to constitute it.

**Mr. SPEAKER.**—Breach of privilege does not depend upon the constitution of the Committee of Privileges. It is an independent matter altogether. In some Assemblies there are no committees of privileges of a permanent character. As and when such questions arise, they are formed. In our Rules we have a permanent committee called Committee

of Privileges. Now, no such committee is existing, but I am taking action to form such a committee.

Regarding the other point raised by Sri Narasimhan, in the House of Commons, when the Speaker finds that there is a good case of breach of privilege, he takes action immediately. But, there is no such power here in our rules. This being so, I refer to the Privileges Committee.

I also said that it is for the Privileges Committee to decide. I have looked into the authorities; I find that, under the circumstances, there is a *prima facie* case. It may be a good or a bad case. What the results of the labours of the Committee would be, I cannot anticipate. They may come to the conclusion that there is a breach of privilege or they may also come to the conclusion that there has been no breach of privilege. That is for the Committee to decide.

Sri M. C. NARASIMHAN.—I did not say that no breach of privilege could occur as long as there is no committee constituted. But the question whether the whole matter could be referred to a committee would arise only when there is a committee. Otherwise . . . . .

Mr. SPEAKER.—Have I not already said that the question of constituting a committee is an independent question? A committee can be formed later on. What is the use of dilating on a point on which I have already given a ruling?

Sri V. S. PATIL (Belgaum).—When this matter came before the Speaker, it would have been better if the opinion of the House on certain points had been taken by the Chair before deciding whether there was a *prima facie* case for reference to the Committee. In the first place, for the enlightenment of the House, I would like to say that the only issue we are dealing with here, in this case, is whether it is a breach of privilege of the House or of a Member. Unless, the status of the Hon'ble Minister, who is practically the butt-end of this controversy, as to whether he is a member or not is decided, further issues would not arise. Unless this fact

is proved, there can be no breach of privilege of this House.

Mr. SPEAKER.—I must say that the Hon'ble Member is a seasoned parliamentarian. He had been in the Bombay Legislative Assembly for about five years and he is again here. He knows that in no case, when a question of privilege arises, it is debated in the House. The House will have a full opportunity to debate it, after the report of the Committee is received. The House may accept or reject the findings of the Committee. When a question of this type is raised in the House, the Speaker or the Chair will have to consider whether there is a *prima facie* case or not. The Chair will not decide on the point of privilege; it is the House that is going to decide on the point and it is the Committee that will make the recommendation. This being so, I cannot agree with the Hon'ble Sri V. S. Patil.

\*ಶ್ರೀ ಎನ್. ಜಿ. ನರಸಿಂಹೇಗೌಡ (ಶ್ರವಣಬೆಳಗೊಳ).—ಸ್ವಾಮಿ, ಈಗತಾನೆ ಮಾನ್ಯ ಶ್ರೀ ನರಸಿಂಹನ್ ಅವರು ಹೇಳಿದರು, ಕಮಿಟಿ ಫಾರಂ ಮಾಡುವುದಕ್ಕೆ ಮುಂಚೆ ಕ್ಲಶನ್ ರೈಸ್ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶವಿಲ್ಲ ಎಂದು. ಅದು ನ್ಯಾಯವಾಗಿದೆ.

ಅಧ್ಯಕ್ಷರು.—ಕುಳಿತು ಕೊಳ್ಳಿ. ಆ ಪಾಯಿಂಟ್ ಮೇಲೆ ರೂಲಿಂಗ್ ಕೊಟ್ಟಿದ್ದೇನೆ. ತಾವು ಅದನ್ನು ಛಾಲೆಂಡ್ ಮಾಡಿದ ಹಾಗಾಗುತ್ತದೆ. ನಾಳೆಯದಿವಸ್ಪ ರಿಪೋರ್ಟ್ ಬಂದಾಗ ಬೇಕಾದ ಹಾಗೆ ಮಾತನಾಡಬಹುದು. ಆಗ ಬೇಕಾದಷ್ಟು ಅವಕಾಶವಿರುತ್ತದೆ. ತಾವು ಮೋಷನ್ ಮಾಡಿದ್ದೀರಿ. ಅದರಲ್ಲಿ ಪ್ರೈಮಾ ಫೇಸಿ ಕೇಸ್ ಇದೆಯೋ ಇಲ್ಲವೋ ನೋಡಬೇಕು. ಕಮಿಟಿಗೆ ಕಳುಹಿಸುತ್ತೇನೆ. ಕಮಿಟಿ ರಿಪೋರ್ಟ್ ಮಾಡಿ ಕಳುಹಿಸುತ್ತಾರೆ. ಆಮೇಲೆ ಅದು ಈ ಸಭೆಯಲ್ಲಿ ಚರ್ಚೆಗೆ ಬರುತ್ತದೆ. ನಿರ್ಣಯ ಮಾಡುವವರು ನೀವು; ನಾನಲ್ಲ. ಚೇರ್ ರೂಲಿಂಗ್ ಮೇಲೆ ರಿಫ್ಲೆಕ್ ಮಾಡುವುದು ಚೆನ್ನಾಗಿಲ್ಲ.

ಶ್ರೀ ಎನ್. ಜಿ. ನರಸಿಂಹೇಗೌಡ.—ನನ್ನ ಅಭಿಪ್ರಾಯ ಹೇಳುತ್ತೇನೆ.

ಅಧ್ಯಕ್ಷರು.—ರೂಲಿಂಗಿಗೆ ವಿರೋಧಾಭಿಪ್ರಾಯಗಳನ್ನು ಹೇಳಕೂಡದು ಎಂದಿದೆ. ದಯವಿಟ್ಟು ಹಾಗೆ ಮಾಡಬಾರದು.

Sri C. J. MUCKANNAPPA (Gubbi).—I had tabled a motion of privilege. May I know when the matter will be taken up, Sir?

Mr. SPEAKER.—I have not received notice of it as yet. I will look into it.